

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49594 of 2021

Arising Out of PS. Case No.-192 Year-2021 Thana- BHORE District- Gopalganj

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1. YOGENDRA KUSHWAHA SON OF BABULAL BHAGAT R/O VILLAGE- SAVANAHA, P.O.S.- BHORE, DISTRICT- GOPALGANJ
 2. OM PRAKASH YADAV SON OF BUDHAN YADAV R/O VILLAGE- BISRAPUR, P.S.-BHORE DISTRICT- GOPALGANJ

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Bhore P.S. Case No. 192 of 2021 registered for the offences punishable under Sections 414 of the IPC and Sections 25(1-b)a, 26/35 of the Arms Act.

According to prosecution case, one country made loaded pistol and one live cartridge are said to have been recovered from possession of each petitioners.



Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. It is further submitted that it appears from the FIR and seizure list itself that one country made loaded pistol and one live cartridge were recovered from possession of each petitioners. Petitioners are in custody since 06.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Bhore P.S. Case No. 192 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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